

HOUSE BILL REPORT

HB 1797

As Reported by House Committee On:
Local Government & Housing
General Government Appropriations

Title: An act relating to a rural and resource lands study.

Brief Description: Examining rural and resource lands.

Sponsors: Representatives White, Priest, Springer, Anderson, Miloscia, Nelson, McCoy, Rodne, Simpson and Sullivan.

Brief History:

Committee Activity:

Local Government & Housing: 2/12/09, 2/16/09 [DPS];

General Government Appropriations: 2/26/09 [DP2S(w/o sub LGH)].

Brief Summary of Second Substitute Bill

- Requires, subject to funding, the William D. Ruckelshaus Center and the Puget Sound Regional Council to conduct an examination of trends and policies pertaining to the maintenance of rural and resource lands in Washington.
- Establishes a related account in the State Treasury.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Miloscia, Springer, Upthegrove, White and Williams.

Minority Report: Do not pass. Signed by 2 members: Representatives Cox, Assistant Ranking Minority Member; Short.

Staff: Ethan Moreno (786-7386)

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Growth Management Act.

The Growth Management Act (GMA or Act) is the comprehensive land use planning framework for county and city governments in Washington. Enacted in 1990 and 1991, the GMA establishes numerous requirements for local governments obligated by mandate or choice to fully plan under the Act (planning jurisdictions) and a reduced number of directives for all other counties and cities.

The Department of Community, Trade and Economic Development (DCTED) provides technical and financial assistance to jurisdictions that must implement requirements of the GMA.

Directives applying to all counties and cities require the designation of agricultural, forest, and mineral lands that have long-term significance for commercial use. All counties and cities must also designate and protect critical areas, areas that include wetlands, frequently flooded areas, and fish and wildlife habitat conservation areas.

The GMA directs planning jurisdictions to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans must address specified planning elements, including a rural element, each of which is a subset of a comprehensive plan. The implementation of comprehensive plans occurs through development regulations mandated by the GMA.

The GMA includes requirements relating to the use or development of land in urban and rural areas. Among other requirements, counties that fully plan under the GMA must designate urban growth areas, areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature.

The William D. Ruckelshaus Center.

The William D. Ruckelshaus Center (Center) is a joint effort of the University of Washington and Washington State University that is dedicated to helping public, tribal, private, non-profit, and other community leaders build consensus and resolve conflicts around difficult public policy issues. The Center provides neutral expertise to improve the quality and availability of voluntary collaborative approaches for policy development and multi-party dispute resolution.

Puget Sound Regional Council.

The Puget Sound Regional Council (PSRC) is an association of cities, towns, counties, ports, and state agencies that serves as a forum for developing policies and making decisions about regional growth and transportation issues in the four-county central Puget Sound region. Membership of the PSRC includes King, Kitsap, Pierce, and Snohomish counties, 72 cities and towns, four port districts, and transit agencies and tribes within the region. Two state agencies, the Department of Transportation and the Transportation Commission, are also members of the PSRC.

Summary of Substitute Bill:

Examination by the William D. Ruckelshaus Center in Partnership with the PSRC.

Subject to the availability of amounts for this specific purpose, the Center, in partnership with the PSRC, must conduct an examination of trends affecting, and policies guiding, the maintenance of rural and resource lands in Washington. The examination must commence by July 1 of the year in which funds are made available.

In conducting the examination, the Center must:

- work and consult with willing participants including, but not limited to, stakeholders representing agricultural, environmental, forestry, development, realty, tribal, and local government interests; and
- involve and apprise legislators and legislative staff of its efforts.

The Center must conduct fact-finding and stakeholder discussions with the participants. These discussions must identify stakeholder concerns, barriers, opportunities, and desired principles for maintaining rural character and conserving resource lands. The fact-finding must identify existing regulatory, management, and scientific information related to rates of growth in rural and resource lands, and associated policies guiding development in these lands. The Center must issue two reports of its fact-finding efforts and stakeholder discussions to the Governor and the appropriate committees of the House of Representatives and the Senate: one by December 1 of the year in which funds for the examination become available; and one by the following July 1.

The Center must facilitate discussions between the stakeholders for the purposes of identifying options and recommendations for addressing expected growth in a manner that maintains rural character and conserves forest, farm, and natural areas. The center also must work to achieve agreement among stakeholders, and to develop a coalition to support changes or new approaches to maintaining the character of rural lands, and conserving agricultural and forest lands of long-term significance.

The Center must issue a final report of findings and legislative recommendations to the Governor and the appropriate committees of the House of Representatives and the Senate by September 1 of the year following the year in which funds for the examination become available.

Account Creation and Use.

The Rural and Resource Lands Study Account (Account) is created in the State Treasury. The DCTED may accept gifts, grants, and endowments from public or private sources, in trust or otherwise, and must deposit those funds into the Account. The Legislature may also appropriate moneys to the Account. Expenditures from the Account may be used only for an examination of trends and policies pertaining to the maintenance of rural and resource lands in Washington. Only the Director of the DCTED or the Director's designee may authorize expenditures from the Account.

Substitute Bill Compared to Original Bill:

The substitute bill makes changes to the original bill, including: modifying intent language; requiring the examination to be conducted by the Center, in partnership with the PSRC; modifying discussion requirements that must be met by the Center and the PSRC; and specifying that the Account established in the bill is to be administered by the DCTED.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) In the nearly two decades since the adoption of the GMA, there have been successes in preserving rural lands and planning for urban and suburban areas. The issues and landscape have changed since the GMA's adoption. This bill is intended to examine the best ways to maintain rural and resource lands, and to bring together a coalition to move related issues forward. The bill should have no fiscal impact.

Forest land owners will tell you that it is easier to manage large blocks of land than to have many neighbors. Growth in the central Puget Sound region is resulting in the loss of 18,000 acres of resource lands each year. This bill will help to assess tools for responding to growth and will bring people together for the purpose of considering solutions. Market-based and other solutions might prove helpful in finding solutions to the loss of resource lands. The bill should be amended to clarify its provisions. Citizens need to take an honest look at how our landscapes are being transformed, and must look beyond statistics and anecdotes to learn what is really happening. Rural and resource lands are important and need to be supported.

(Opposed) None.

Persons Testifying: Representative White, prime sponsor; Patti Case, Cascade Land Conservancy and Green Diamond Resource Company; April Putney, Futurewise; and Robert Matthews, Mithun, Incorporated.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government & Housing. Signed by 10 members: Representatives Darneille, Chair; Takko, Vice Chair; Blake, Dunshee, Hudgins, Kenney, Pedersen, Sells, Van De Wege and Williams.

Minority Report: Do not pass. Signed by 3 members: Representatives McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Short.

Staff: Steve Smith (786-7178)

Summary of Recommendation of Committee On General Government Appropriations Compared to Recommendation of Committee On Local Government & Housing:

The second substitute bill removes provisions creating a Rural and Resource Lands Study Account in the State Treasury, establishes a Rural and Resource Lands Study Account (Account) as a treasury trust fund in the custody of the State Treasurer, specifies that moneys from the State General Fund may not be deposited into the Account, and specifies intent language.

Appropriation: None.

Fiscal Note: Requested on February 23, 2009

Effective Date of Second Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Both the Cascade Land Conservancy and the Washington Farm Forestry Association strongly support this bill. Neither the organizations nor their stakeholders are seeking actual funds, but are instead simply asking that an account may be opened and filled with federal funds.

(Opposed) None.

Persons Testifying: Megan Lynch, Washington Farm Forestry Association.

Persons Signed In To Testify But Not Testifying: None.